GAHC010232592026

2026:GAU-AS:16821

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./3340/2026

MINHAS ZAKARIA ALIAS ASHIQUE ALI ALIAS JAKARE KHAN
S/O- ASHAK ALI VILL- NO. 2 ISLAMPUR BLOCK P.S- LALUK DIST LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P, ASSAM

2:SHRI PRADIP ORANG

S/O- MAHENDRA ORANG VILL- KULAGURI JARONI P.S.- BEHALI DIST - BISWANATH
ASSA

Advocate for the Petitioner : MR M H AHMED, I AMIN

Advocate for the Respondent : PP, ASSAM, R ALI(R2),MR ROBIUL HOQUE(R2)

BEFORE

HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

16.11.2026

1. Heard Mr. MH Ahmed, the learned counsel for the petitioner. Also heard Mr. KK Das, the learned Additional Public Prosecutor, and Mr. Robiul Hoque, the learned counsel for the respondent No. 2.

2. This is an application under Section 483 of the BNSS, 2023 for granting regular bail to the petitioner, **Minhas Zakaria @ Ashique Ali @ Jakare Khan** in connection with Sessions (POCS) Case No. 11/2026 arising out of **Behali P.S. Case No. 72/2026** under Section 65(1) of BNS, 2023 read with Section 6 of the POCS Act, 2012.

3. The gist of the allegations is about sexual relationship with minor leading to pregnancy. The investigation resulted in charge-sheet and the case is presently at the stage of trial, wherein the victim girl is stated to have been examined.

4. Scanned record is available.

5. Mr. Ahmed submits that though a notice under Section 48 was sent electronically but there is no material to indicate it is delivered to the family member of the accused.

6. The learned Additional Public Prosecutor to this contention submits that said aspect could not be ascertained as scanned copy of the full case diary is not available.

7. I have perused the testimony of the victim girl during the trial and the statement recorded before the learned Magistrate.

8. Prima-facie, there appears to be some discrepancies between the two. In her trial testimony, she has stated her age to be 18 years at the time of incident; about her relationship and lover affairs with the

accused and her relationship with him. She has also stated that she is willing to marry the accused person.

9. The learned counsel for the informant submits that parties have agreed to get married, as the girl is now a major.

10. Considering this aspect of the matter and also the length of detention since 12.06.2026, I am of the considered opinion that without going through the aspect of compliance or otherwise with the notice under Section 48 BNSS, the petitioner can be granted bail at this stage subject to furnishing a bail bond of Rs.50,000/- with one suitable surety of the like amount to the satisfaction of the learned Special Judge (POCSO), Biswanath on the following conditions:

(i) The petitioner shall co-operate with the trial, if once commences;

(ii) The petitioner shall not commit any offence, nor threaten, harm, harass the victim in any manner;

(iii) He shall not try to influence the witnesses. Violation of any of the bail conditions shall entail cancellation of the bail.

11. This application stands disposed of accordingly.

JUDGE

Comparing Assistant